

## REMARKS

Forty-seven claims were originally filed in the present Application. Claims 1-47 currently stand rejected. Claims 1, 19, 21, 37, 39, and 41-47 are amended, and new claims 48-49 are added in this Amendment. Reconsideration of the Application in view of the amendments and the following remarks is respectfully requested.

### Claim Objections

On page 2 of the Office Action, the Examiner objects to claims 19 and 39 because of certain “informalities.” In response to the Examiner’s concerns, Applicants amend the phrase “depending one whether” to read “depending on whether.” In view of these amendments to claims 19 and 39, Applicants believe that the Examiner’s objection is addressed, and respectfully request that the objections be withdrawn.

### 35 U.S.C. § 102

On page 2 of the Office Action, the Examiner rejects claims 1, 4, 6-7, 11, 21, 24, 26-27, 31, and 41 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2005/0149336 to Cooley et al. (hereafter Cooley). The Applicants respectfully traverse these rejections for at least the following reasons.

“For a prior art reference to anticipate in terms of 35 U.S.C. §102, every element of the claimed invention must be *identically* shown in a single reference.” *Diversitech Corp. v. Century Steps, Inc.*, 7 USPQ2d 1315, 1317 (CAFC 1988). The

Applicants submit that Cooley fails to identically teach every element of the claims, and therefore does not anticipate the present invention.

Cooley teaches a printer that converts input speech into text for captioning images prior to printing the captioned images (see column 2, paragraph 15). On page 3 of the Office Action, the Examiner cites paragraphs 12, 16, and 17 as support that Cooley teaches a “*retrieval procedure in which said speech recognition engine converts a spoke data request into a text data request, said retrieval module comparing said text data request and said pattern word sets to identify a requested object identifier for locating a requested data object . . . ,*” as claimed by Applicants. Applicants respectfully traverse.

Applicants submit that Cooley is limited to teaching only a single process of converting input speech into captioning text. Applicants therefore maintain that Cooley fails to teach a second process in which “*said speech recognition engine converts a spoke data request into a text data request,*” as claimed by Applicants. In addition, Applicants submit that Cooley nowhere teaches or suggests comparing the captioning text to anything else as part of a “*retrieval procedure,*” as claimed by Applicants. Furthermore, Applicants maintain that Cooley fails to teach using the comparison procedure to identify “*a requested object identifier for locating a requested data object,*” as claimed by Applicants. For at least the foregoing reasons, Applicants submit that claims 1, 21, and 41 are not anticipated by the teachings of Cooley.

Regarding the Examiner’s rejection of dependent claims 4, 6-7, 11, 24, 26-27, and 31, for at least the reasons that these claims are dependent from

respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested. Applicants therefore respectfully request reconsideration and allowance of dependent claims 4, 6-7, 11, 21, 24, 26-27, 31.

Because a rejection under 35 U.S.C. §102 requires that each claimed limitation be *identically* taught by a cited reference, and because the Examiner fails to cite Cooley to identically teach or suggest the claimed invention, Applicants respectfully request reconsideration and allowance of claims 1, 4, 6-7, 11, 21, 24, 26-27, 31, and 41.

On page 5 of the Office Action, the Examiner rejects claims 1-5, 8, 10, 12-14, 16, 20-25, 28, 30, 32-34, 36, and 40-47 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,377,925 to Greene, Jr. et al. (hereafter Greene). The Applicants respectfully traverse these rejections for at least the following reasons.

"For a prior art reference to anticipate in terms of 35 U.S.C. §102, every element of the claimed invention must be *identically* shown in a single reference." *Diversitech Corp. v. Century Steps, Inc.*, 7 USPQ2d 1315, 1317 (CAFC 1988). The Applicants submit that Greene fails to identically teach every element of the claims, and therefore does not anticipate the present invention.

Regarding the Examiner's rejection of independent claims 1, 21, and 41-47, Applicants respond to the Examiner's §102 rejection as if applied to amended

independent claims 1, 21, and 41-47 which now recite limitations that are not taught or suggested either by the cited references, or by the Examiner's citations thereto. For example, claims 1 and 21 recite an "*authoring procedure*" that features "*a speech recognition engine that transforms spoken data descriptions from a system user into text data descriptions*," and separately recite a "*retrieval procedure*" in which "*said speech recognition engine converts a spoken data request into a text data request*." Claims 41-47 recite similar limitations, and the remarks made with respect to claims 1 and 21 apply equally to claims 41-47.

According to the Applicants' claimed invention, a system user affirmatively utilizes the claimed "*authoring procedure*" to dynamically create unique "*text data descriptions*" that serve as labels for subsequently comparing to a separate "*spoken data request*" in Applicants claimed "*retrieval procedure*." On page 5 of the Office Action, the Examiner cites column 5, lines 35-39, of Greene against Applicants' claimed limitations regarding their "*authoring procedure*." Applicants respectfully traverse.

Applicants submit that Greene nowhere teaches a "system user" that affirmatively utilizes "*a speech recognition engine*" of a local electronic device to transform "*spoken data descriptions*" into "*text data descriptions*" for labeling and indexing stored images, as claimed by Applicants. In particular, Applicants submit that Greene fails to teach that a system user separately creates both "*text data descriptions*" and "*a text data request*" for comparison purposes during their claimed "*retrieval procedure*." In addition, Applicants further maintain that Greene nowhere discloses "*said pattern word sets being associated with data*

*object identifiers that identify said data objects,”* as claimed by Applicants. For at least the foregoing reasons, Applicants submit that claims 1, 21, and 41-47 are not anticipated by Greene.

Regarding the Examiner’s rejection of dependent claims 2-5, 8, 10, 12-14, 16, 20, 22-25, 28, 30, 32-34, 36, for at least the reasons that these claims are dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested. Applicants therefore respectfully request reconsideration and allowance of dependent claims 2-5, 8, 10, 12-14, 16, 20, 22-25, 28, 30, 32-34, 36.

With further regard to the rejections of claims 5 and 25, Examiner cites column 8, lines 2-30 of Greene in support of these rejections. The cited passage of Greene is limited to discussing the use of a “media player” to reproduce certain types of media. In contrast, claims 5 and 25 explicitly recite that “*said authoring module instructs said host electronic device to enter an authoring mode for performing said authoring procedure in response to a verbal authoring-mode command that is recognized by said speech recognition engine*” (emphasis added). Applicants respectfully submit that Greene nowhere discloses “*a verbal authoring-mode command that is recognized by said speech recognition engine*,” as claimed by Applicants. For at least the foregoing reasons, Applicants respectfully request reconsideration of the rejection of claims 5 and 25.

With further regard to the rejections of claims 12 and 32, as discussed above in conjunction with claims 1 and 21, Applicants submit that Greene fails to disclose that “*said authoring module stores each of said pattern word sets along with a corresponding one of said data object identifiers into said index file,*” as explicitly recited by Applicants in claims 12 and 32. Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 12 and 32 under 35 U.S.C. § 102.

With further regard to the rejections of claims 13 and 33, the Examiner cites column 7, line 61 to column 8, line 45, of Greene in support of these rejections. Applicants submit that the cited passage of Greene nowhere discloses that “*said authoring module instructs said host electronic device to enter a retrieval mode for performing said retrieval procedure in response to a verbal retrieval-mode command that is recognized by said speech recognition engine*” (emphasis added). For at least the foregoing reasons, Applicants respectfully request reconsideration of the rejection of claims 13 and 33.

Because a rejection under 35 U.S.C. §102 requires that each claimed limitation be *identically* taught by a cited reference, and because the Examiner fails to cite Greene to identically teach or suggest the claimed invention, Applicants respectfully request reconsideration and allowance of claims 1-5, 8, 10, 12-14, 16, 20-25, 28, 30, 32-34, 36, and 40-47.

35 U.S.C. § 103

On page 11 of the Office Action, the Examiner rejects claims 9, 15, 29, and 35 under 35 U.S.C. § 103(a) as being unpatentable over Greene in view of U.S. Patent Publication No. 2004/0111272 to Gao et al. (hereafter Gao). The Applicants respectfully traverse these rejections for at least the following reasons.

Applicants maintain that the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a) which requires that three basic criteria must be met, as set forth in M.P.E.P. §2142:

"First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations" (emphasis added).

The initial burden is therefore on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

On page 11 of the Office Action, the Examiner concedes that Greene "does not specifically teach . . . a large-vocabulary continuous speech recognizer that includes acoustic models, a dictionary, and a language model." Applicants concur. The Examiner then points to Gao to purportedly remedy these deficiencies in Greene. In particular, the Examiner concludes that "it would have

been obvious . . . to modify Greene's system . . . for audibly producing the natural language sentence in a target language." Applicants respectfully traverse.

Applicants respectfully submit that a *general restatement of the advantages disclosed by the Applicants* deriving from implementation of the present invention cannot act as the required teaching or suggestion to combine cited references for a proper rejection under 35 U.S.C. § 103. Courts have repeatedly held that "it is impermissible . . . simply to engage in *hindsight reconstruction* of the claimed invention, using the Applicants' structure as a template and selecting elements from references to fill in the gaps." In re Gorman, 18 USPQ 1885, 1888 (CAFC 1991).

In addition, Applicants respectfully submit that speech recognition technology has been known in the corresponding art for some time. Applicants submit that their unique solution of utilizing a "*large-vocabulary continuous speech recognizer*" to effectively perform their claimed "*authoring procedure*" and "*retrieval procedure*" indicates the existence of secondary indicia of non-obviousness. For example, there apparently has been a long-felt need for Applicants' solution in the relevant technological field. Furthermore, other entities and individuals in analogous arts have apparently failed to successfully overcome the foregoing problems in the manner disclosed by Applicants.

For at least the foregoing reasons, the Applicants submit that claims 9, 15, 29, and 35 are not unpatentable under 35 U.S.C. § 103 over the cited references, and that the rejections under 35 U.S.C. § 103 are thus improper. The Applicants

therefore respectfully request reconsideration and withdrawal of the rejections of claims 9, 15, 29, and 35 under 35 U.S.C. § 103.

On page 13 of the Office Action, the Examiner rejects claims 17-19 and 37-39 under 35 U.S.C. § 103 as being unpatentable over Greene in view of U.S. Patent No. 6,611,803 to Furuyama et al. (hereafter Furuyama). The Applicants respectfully traverse these rejections for at least the following reasons.

Applicants maintain that the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a). As discussed above, for a valid *prima facie* case of obviousness under 35 U.S.C. § 103(a), the prior art references when combined must teach or suggest all the claim limitations (emphasis added). The initial burden is on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

Regarding the Examiner's rejection of dependent claims 17-19 and 37-39, for at least the reasons that these claims are dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested.

In addition, claim 37 originally recited "*pre-defined priority indicators or pre-defined relationship indicators*" in the alternative. However, in the present Amendment, Applicants have amended claim 37 to recite "*pre-defined priority indicators and pre-defined relationship indicators*." Applicants submit that the

cited references fail to disclose both “*pre-defined priority indicators and pre-defined relationship indicators*.” Since the limitations “*pre-defined priority indicators*” and “*pre-defined relationship indicators*” are no longer recited in the alternative, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 37.

With further regard to the rejections of claims 19 and 39, Examiner cites column 5, lines 4-32 of Furuyama in support of these rejections. In particular, the Examiner cites a “beginning/ending time” of Furuyama against Applicants’ claimed “*predefined relationship indicators*” that depend upon “*whether said search terms are located at the beginning or the end of said text data request*.” Applicants submit that indicating a beginning time or an ending time is not the same thing as whether said search terms are “*located at the beginning or the end*” of a text data request, as claimed by Applicants. In particular, Applicants submit that claims 19 and 39 recite a word relationship parameter based upon word location, whereas Furuyama is limited to disclosing only a time parameter. For at least the foregoing reasons, Applicants respectfully request reconsideration of the rejection of claims 19 and 39.

For at least the foregoing reasons, the Applicants submit that claims 17-19 and 37-39 are not unpatentable under 35 U.S.C. § 103 over the cited references, and that the rejections under 35 U.S.C. § 103 are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 17-19 and 37-39 under 35 U.S.C. § 103.

New Claims

The Applicants submit additional claims 48 and 49 for consideration by the Examiner in the present Application. The new claims 48 and 49 recite specific detailed embodiments for implementation and utilization of Applicants' invention, as disclosed and discussed in the Specification. Applicants submit that newly-added claims 48 and 49 contain a number of limitations that are not taught or suggested in the cited references. For example, claim 48 recites "utilizing pre-defined priority indicators to evaluate search terms from said text data request," and claim 49 separately recites "utilizing pre-defined relationship indicators to evaluate search terms from said text data request." Applicants therefore respectfully request the Examiner to consider and allow new claims 48 and 49.

Summary

Applicants submit that the foregoing amendments and remarks overcome the Examiner's rejections under 35 U.S.C. §102 and 35 U.S.C. §103. Because the cited references, and the Examiner's citations thereto, do not teach or suggest the claimed invention, and in light of the differences between the claimed invention and the cited prior art, Applicants therefore submit that the claimed invention is patentable over the cited art, and respectfully request the Examiner to allow claims 1-49, so that the present Application may issue in a timely manner. If there are any questions concerning this Response, the Examiner is invited to contact the Applicants' undersigned representative at the number provided below.

Respectfully submitted,

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